

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

BROOKE PEARCE, as next of friend of §  
U.V., a minor, and JUSTINA GARCIA, §

*Plaintiffs,* §

v. §

Civil Action No. 4:18-cv-3196

FBI AGENT DOE, *in his individual* §  
*capacity,* §

NICHOLAS CHASE CUNNINGHAM; §

SOPHIA PEREZ HEATH; §

JIMMY TONY SANCHEZ; §

DELIA GUALDINA VELASQUEZ; and §

THE UNITED STATES, §

*Defendants.* §

**DEFENDANT THE UNITED STATES' MOTION TO STRIKE**  
**PLAINTIFFS' SUPPLEMENT TO THEIR RESPONSE TO**  
**DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

Defendant hereby moves to strike Plaintiffs' untimely supplement to their response to Defendant's motion for summary judgment. Dkt. 161.

In this case the parties were ordered to file all dispositive motions by June 29, 2024. Dkt. 89. Defendant, the United States, moved for summary judgment of June 29, 2024. Dkt. 116. Plaintiffs filed a response on July 29, 2024 (Dkt. 127), and Defendant filed a reply on August 12, 2024. Dkt. 132.

On October 17, 2024, the morning before the parties first day of trial, Plaintiffs filed a supplement to their response to Defendant's motion for summary judgment. (Dkt. 161). The supplemental response is quite literally as late as possible. It does not consist of any new law. It is made up entirely of arguments and law that Plaintiffs had access to prior to filing their response. This supplement should be struck as it would create an unfair prejudice for Defendant.

### **CONCLUSION**

Defendant respectfully moves for this Court to strike Plaintiffs' Supplement to their Response to Defendant's Motion for Summary Judgment.

Respectfully Submitted,

ALAMDAR S. HAMDANI  
United States Attorney  
Southern District of Texas

By: /s/ Ariel N. Wiley  
Ariel N. Wiley  
Assistant United States Attorney  
Texas Bar No. 24093366  
Federal ID No. 2554283  
1000 Louisiana, Suite 2300  
Houston, Texas 77002  
Telephone: (713) 567-9000  
Facsimile: (713) 718-3303  
Email: ariel.wiley@usdoj.gov

ATTORNEY FOR DEFENDANT

**CERTIFICATE OF SERVICE**

I certify that on October 17, 2024, the foregoing pleading was filed with the Court through the Court's CM/ECF system on all parties and counsel registered with the Court CM/ECF system.

/s/ Ariel N. Wiley

Ariel N. Wiley

Assistant United States Attorney